

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10859-NG

MRS. ANN GAGLIARDI,)
)
Plaintiff,)
)
v.)
)
SOVEREIGN BANK,)
)
Defendant.)
)

**PLAINTIFF'S MOTION FOR LEAVE TO FILE ADDITIONAL
SUPPLEMENTAL MEMORANDUM IN SUPPORT THE PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION BASED UPON DOCUMENTS
DISCOVERED ON SEPTEMBER 15, 2005**

Now comes the Plaintiff with this Motion for Leave to File Additional Supplemental Memorandum in Support the Plaintiff's Motion for Preliminary Injunction based upon documents obtained in discovery on September 15, 2005. In support of this Motion the Plaintiff states as follows;

1. As part of the discovery in this matter Plaintiff's counsel has begun the review of the Defendant's documents which are at the office of defendant's counsel, located at 109 State St. That document review began at 11 am on September 15, 2005 and continued approximately for two hours. On September 16, 2005 Defendant's counsel unilaterally refused further access to the documents unless Plaintiff's counsel agreed to sign an Assented to Protective Order which is attached as

- Exhibit 1. That refusal is the subject of a separate Motion to Compel Production of Documents and for Sanctions.
2. One of the first documents to be reviewed by Plaintiff's counsel during the two hours of document review was a document entitled "Initial Memo and Credit Report", dated April 8, 2004 (the Credit Report). Plaintiff's counsel asked for and received (during the first 10 minutes of the document review), a copy of the Credit Report. It is suspected that once defense counsel realized the content of the Credit Report, that the decision to halt discovery, without seeking any protective order from this court, was made the defense counsel.
 3. The author of this Credit Report was Bret E. Bokelkamp, the same individual that has already submitted an affidavit in this matter. The Credit Report indicates that it was a three page document; however there are only two pages that have been produced.
 4. The Plaintiff emphasizes that the Credit Report is one of thousands of documents that were or should have been produced for review on September 15, 2005. The Plaintiff's counsel has seen virtually dozens of documents that provide additional support for the Plaintiff's position and those documents have already been designated to be copied possible, however the defense counsel refuses any further access and refuses to copy the documents as already described above.

Given the importance of numerous other documents already reviewed by Plaintiff's counsel which will provide additional support for the Plaintiff's position one the Court orders Sovereign to produce the files upon the Plaintiff's Motion to Compel Production of Documents and for Sanctions which is pending, strongly demonstrate

the Plaintiff's likelihood of success on the merits, and the irreparable harm that would result from the foreclosure. The Plaintiff respectfully asks the Court to grant the Motion for Leave to File Additional Supplemental Memorandum in Support of Plaintiff's Motion for Preliminary Injunction because the Plaintiff believes that the information contained in this Additional Supplemental Memorandum will assist the Court in evaluating the Plaintiff's position and the likelihood of success on the merits of all of her claims.

Respectfully Submitted,

Mrs. Ann Gagliardi,
By her counsel,

LAW OFFICES OF MICHAEL C. MCLAUGHLIN

Dated: September 21, 2005 By: /s/ Michael C. McLaughlin, Esq.
(BBO# 367350)
One Beacon Street, 33rd Floor
Boston, MA 02108
(617) 227-2275

CERTIFICATE OF SERVICE

I certify that a copy of Plaintiff's Motion for Leave to File Additional Supplemental Memorandum in Support the Plaintiff's Motion for a Preliminary Injunction Based Upon Documents Discovered on September 15, 2005, was served on the following person on this date and in the manner specified herein: Electronically Served Through ECF: Kathleen C. Stone, Esquire, counsel for the Defendant.

Dated: September 21, 2005

/s/ Michael C. McLaughlin, Esq.

CERTIFICATION UNDER LOCAL RULES 7.1

I, Michael C. McLaughlin, certify that I have conferred with opposing counsel and have attempted in good faith to resolve and narrow the issue.

Dated: September 21, 2005

/s/ Michael C. McLaughlin, Esq.

BBO# 337350

Law Offices of Michael C. McLaughlin

One Beacon Street, 33rd Floor

Boston, MA 02108

(617) 227-2275